

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA, ALBANY DIVISION**

**PERRY THOMAS, individually and as the
Surviving Spouse of JENNIFER PARTEE
THOMAS, Deceased, and as Guardian and Next
Friend of ANDREW PAYNE THOMAS,
DARRELL RODNEY PARTEE, individually
and as Administrator of the Estate of
JENNIFER PARTEE THOMAS, Deceased, and
MARY DENISE PARTEE,**

Plaintiffs,

**YURIEN B. CHAVEZ, US XPRESS
TRANSPORT CORP., and PROGRESSIVE
EXPRESS INSURANCE COMPANY,**

Defendants.

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**CIVIL ACTION FILE
NO. 5:20-CV-00016-MTT**

ORDER

IT APPEARING to the Court that Plaintiffs, PERRY THOMAS, individually and as the Surviving Spouse of JENNIFER PARTEE THOMAS, Deceased, and as Guardian and Next Friend of ANDREW PAYNE THOMAS, DARRELL RODNEY PARTEE, individually and as Administrator of the Estate of JENNIFER PARTEE THOMAS, Deceased, and MARY DENISE PARTEE, and Plaintiffs' uninsured or underinsured motorist insurance carrier, STATE FARM have entered into a Consent Motion and Agreement for the dismissal of State Farm from this action without prejudice upon certain specified terms and conditions as set forth in the written Consent Motion and Agreement for dismissal of uninsured or underinsured motorist insurance carrier without prejudice pursuant to *Yarbrough v. Dickinson*, 183 Ga. App. 489, 359 S.E.2d 235 (1987); and the Court having duly considered said motion and agreement;

IT IS HEREBY CONSIDERED, ORDERED AND ADJUDGED that said Consent Motion to Dismiss State Farm from this action without prejudice is hereby granted and sustained, and State Farm is hereby dismissed from this action without prejudice and expressly conditioned

upon the terms and conditions set forth in the written Consent Motion and Agreement between Plaintiffs, PERRY THOMAS, individually and as the Surviving Spouse of JENNIFER PARTEE THOMAS, Deceased, and as Guardian and Next Friend of ANDREW PAYNE THOMAS, DARRELL RODNEY PARTEE, individually and as Administrator of the Estate of JENNIFER PARTEE THOMAS, Deceased, and MARY DENISE PARTEE, and STATE FARM.

SO ORDERED this 3rd day of February, 2020.

/s/ Marc T. Treadwell

Marc T. Treadwell

U.S. District Court Judge, Middle District of Georgia